

321698

**BEFORE THE SURFACE TRANSPORTATION BOARD**

**BLET - 2**

**In The Matter of:**

***Union Pacific Corp., etc. - Control and Merger - Southern Pacific Rail Corporation, etc.***  
**Finance Docket No. 32760 Sub No. 45**

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**BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN**

**and**

**UNION PACIFIC RAILROAD COMPANY**

**Dispute Arbitrated Pursuant to Article 1X of the 1986 National Agreement between BLET  
and the Carriers Represented by the National Carriers' Conference Committee**

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**MOTION OF  
BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN  
FOR EXTENSION OF TIME TO RESPOND  
TO UP APPEAL OF LABOR ARBITRATION AWARD**

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On December 27, 2007, Arbitration Board No. 589 (arbitrator Robert Perkovich, Neutral Chairman) issued an Award pursuant to Article IX of the 1986 National Agreement between the Brotherhood of Locomotive Engineers (since renamed the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters ("BLET")) and the nation's rail carriers, including the Union Pacific Railroad Company ("UP" or "the Carrier"), in a dispute between BLET and UP.

Under Section 1115.8 of the Board's Rules, if that award is subject to review by this Board<sup>1</sup>, a petition for review would have had to be filed within twenty days thereafter, on or

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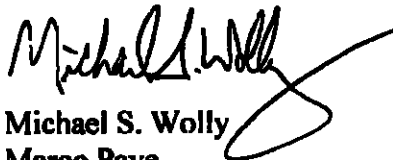
<sup>1</sup> As noted in BLET's previously filed Opposition to UP's request for an extension of time, the union questions the Board's jurisdiction over the arbitration award UP seeks to have the Board review. That issue will be addressed in BLET's response to UP's appeal.

before January 16, 2008. By filing motions requesting extensions of that deadline, UP was granted a total of 57 days in which to file its Appeal from the award. UP's Appeal is 38 pages long plus hundreds of pages of appendices and exhibits.

Section 1104.13 of the Board's Rules provides for a twenty-day response period "unless otherwise provided." Section 1104.7(b) of the Board's Rules allows this time period to be extended "upon request and for good cause."

BLET's response to UP's appeal presently is due March 13. Between now and then, BLET's counsel has been engaged to serve as parliamentarian for a national union convention in Denver and to complete a written presentation for and serve on a panel at an ABA midwinter committee meeting in Key West being held March 12-14, in addition to his other regular responsibilities. Furthermore, the oversized extent of UP's appeal presentation, which cites a large number of cases that must be researched and for which UP obtained two extensions and has sought permission to exceed the page limitations of Section 1115.2(d), requires more than the usual twenty days in which to respond. Therefore, BLET requests that it be given until April 11, an additional 28 days, in which to respond to UP's Appeal.

Respectfully submitted,

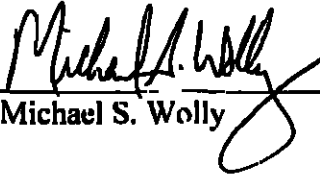


Michael S. Wolly  
Margo Pave  
Zwerdling, Paul, Kahn & Wolly, P.C.  
1025 Connecticut Avenue, N.W., Suite 712  
Washington, D.C. 20036  
TEL: (202) 857-5000  
FAX: (202) 223-8417

Attorneys for BLET

## **CERTIFICATE OF SERVICE**

This is to certify that a copy of this Motion has been served upon counsel for Union Pacific by electronic mail and by first class mail, postage prepaid, this 27th day of February, 2008.

  
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Michael S. Wolly